

JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

DEC 15 2004

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**DOCKET NO. 1407**

**BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**  
**IN RE PHENYLPROPANOLAMINE (PPA) PRODUCTS LIABILITY**  
**LITIGATION**

**(SEE ATTACHED SCHEDULE A)**

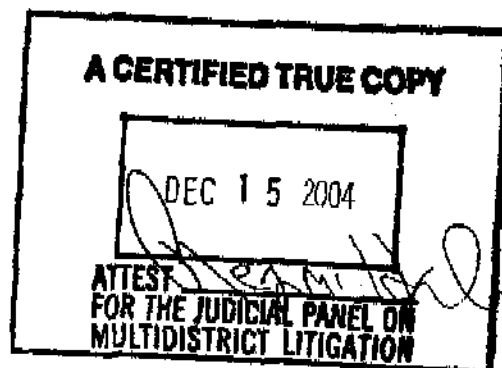
**ORDER LIFTING STAY OF CONDITIONAL REMAND ORDER**  
**AND VACATING THE JANUARY 27, 2005 HEARING SESSION**

On September 28, 2004, the Panel filed an order conditionally remanding the 44 actions listed on the attached Schedule A to their respective transferor courts pursuant to 28 U.S.C. §1407(a). Prior to expiration of that order's fifteen-day stay of transmittal, defendants Bayer Corporation (Bayer) and Wyeth filed notices of opposition and the subsequent motions and briefs to vacate the conditional remand order which, taken together, encompass these 44 actions. Bayer and Wyeth have now advised the Panel that they withdraw their initial oppositions to remand of these actions.

IT IS THEREFORE ORDERED that the stay of the Panel's conditional remand order filed on September 28, 2004, is LIFTED insofar as it relates to the 44 actions listed on the attached Schedule A, and thus these actions are remanded to their respective transferor district courts.

IT IS FURTHER ORDERED that the Hearing Session Order and the attached Schedule filed on December 14, 2004, are VACATED insofar as they relate to these 44 actions.

FOR THE PANEL:



Wm. Terrell Hodges  
Chairman

**SCHEDULE A**

**MDL-1407 — In re Phenylpropanolamine (PPA) Products Liability Litigation**

**Western District of Washington**

- Cleotha Beasley v. American Home Products Corp., et al.*, C.A. No. 2:02-895  
(N.D. Alabama, C.A. No. 2:02-408)
- Phillip Wiggins, et al. v. American Home Products Corp., et al.*, C.A. No. 2:02-419  
(N.D. Alabama, C.A. No. 3:01-2303)
- William J. Burns, Jr. v. Wyeth, Inc., et al.*, C.A. No. 2:02-1511 (N.D. Alabama,  
C.A. No. 5:02-1287)
- Berneata T. Harris, etc. v. Bayer Corp.*, C.A. No. 2:02-1512 (S.D. Alabama,  
C.A. No. 2:02-317)
- Ramona Wallace v. Whitehall-Robins Healthcare, et al.*, C.A. No. 2:01-1642  
(C.D. California, C.A. No. 2:01-6835)
- Delores Hall v. Thompson Medical Co., Inc., et al.*, C.A. No. 2:01-2131 (C.D. California,  
C.A. No. 2:01-9389)
- Jasmine Bias, et al. v. Bayer Corp.*, C.A. No. 2:02-1010 (C.D. California,  
C.A. No. 2:01-10869)
- Theresa Letour, et al. v. Bayer Corp., et al.*, C.A. No. 2:02-764 (C.D. California,  
C.A. No. 2:02-992)
- Marsha Archer, et al. v. Whitehall-Robins, et al.*, C.A. No. 2:02-899 (C.D. California,  
C.A. No. 8:01-1050)
- Earl Sherwood v. American Home Products Corp.*, C.A. No. 2:02-338 (E.D. California,  
C.A. No. 1:01-6389)
- Robert Stotler, et al. v. Bayer Corp., et al.*, C.A. No. 2:02-339 (E.D. California,  
C.A. No. 1:01-6390)
- Alvin Carter, et al. v. Bayer Corp., et al.*, C.A. No. 2:02-526 (E.D. California,  
C.A. No. 1:02-5031)
- Sandra Espinoza v. Whitehall-Robins, et al.*, C.A. No. 2:02-771 (E.D. California,  
C.A. No. 2:01-2045)
- Susan Jennings, et al. v. Whitehall-Robins, et al.*, C.A. No. 2:02-902 (N.D. California,  
C.A. No. 5:01-21024)
- Karen Baranowski, et al. v. American Home Products Corp.*, C.A. No. 2:02-22  
(N.D. Indiana, C.A. No. 2:01-599)
- Shirley Figg v. American Home Products Corp., et al.*, C.A. No. 2:02-905  
(W.D. Kentucky, C.A. No. 3:01-707)
- Pamela Pollard, et al. v. Bayer Corp.*, C.A. No. 2:01-2146 (E.D. Louisiana,  
C.A. No. 2:01-3420)
- Richard Coleman v. Bayer Corp.*, C.A. No. 2:02-545 (M.D. Louisiana, C.A. No. 3:02-19)
- Alene Finnester v. Whitehall-Robins Healthcare, et al.*, C.A. No. 2:02-30  
(W.D. Louisiana, C.A. No. 1:01-2073)

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*Gloria Jenkins v. Bayer Corp.*, C.A. No. 2:01-2095 (W.D. Louisiana, C.A. No. 1:01-2090)

*Preston Stemmann v. Bayer Corp.*, C.A. No. 2:01-2097 (W.D. Louisiana, C.A. No. 2:01-2093)

*Bobby Gray v. Bayer Corp., et al.*, C.A. No. 2:01-1796 (W.D. Louisiana, C.A. No. 3:01-1761)

*Linda Spillers, et al. v. American Home Products Corp.*, C.A. No. 2:02-791 (W.D. Louisiana, C.A. No. 3:01-2095)

*Sandra Young, etc. v. Bayer Corp.*, C.A. No. 2:01-2099 (W.D. Louisiana, C.A. No. 3:01-2097)

*R.L. George v. Bayer Corp., et al.*, C.A. No. 2:01-2016 (W.D. Louisiana, C.A. No. 5:01-1922)

*Byron D. Minor, et al. v. Bayer Corp., et al.*, C.A. No. 2:01-2173 (W.D. Louisiana, C.A. No. 6:01-2282)

*Emile Pitre v. Bayer Corp.*, C.A. No. 2:01-2174 (W.D. Louisiana, C.A. No. 6:01-2284)

*Patricia Ann Medina, etc. v. Bayer Corp., et al.*, C.A. No. 2:01-2093 (D. Minnesota, C.A. No. 0:01-1868)

*Inez Lyons v. Bayer Consumer Care*, C.A. No. 2:02-361 (S.D. Mississippi, C.A. No. 3:01-964)

*Donald Moulds, etc. v. Bayer Consumer Care*, C.A. No. 2:02-554 (S.D. Mississippi, C.A. No. 4:01-374)

*Maria T. Graziose, et al. v. American Home Products Corp., et al.*, C.A. No. 2:01-1653 (D. Nevada, C.A. No. 2:01-581)

*Barbara B. Stevens, et al. v. American Home Products Corp., et al.*, C.A. No. 2:02-37 (S.D. New York, C.A. No. 1:01-8840)

*Patricia Wood v. Whitehall-Robins*, C.A. No. 2:02-2616 (S.D. New York, C.A. No. 7:02-7979)

*Aaron Victor Martin Fryar, et al. v. Novartis Consumer Health, Inc., et al.*, C.A. No. 2:01-1875 (E.D. North Carolina, C.A. No. 7:01-110)

*Kathlyn Kopecky, etc. v. American Home Products Corp.*, C.A. No. 2:02-38 (N.D. Ohio, C.A. No. 1:01-2526)

*Katherine W. Grunwell, etc. v. Bayer Corp.*, C.A. No. 2:01-2813 (S.D. Ohio, C.A. No. 3:01-452)

*Sherri Scherf, etc. v. American Home Products Corp., et al.*, C.A. No. 2:02-1177 (W.D. Oklahoma, C.A. No. 5:02-284)

*Vicki D. Vogt, et al. v. American Home Products Corp., et al.*, C.A. No. 2:01-1704 (E.D. Pennsylvania, C.A. No. 2:01-2483)

*Kevin Walker v. American Home Products Corp., et al.*, C.A. No. 2:02-40 (E.D. Tennessee, C.A. No. 1:01-329)

*Mildred Jones v. American Home Products Corp., et al.*, C.A. No. 2:03-1384\* (W.D. Tennessee, C.A. No. 2:01-2921)

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\* This case number assigned after severance order was issued in W.D. Washington.

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*Paul Kelley, et al. v. Bayer Corp., et al.*, C.A. No. 2:02-371 (E.D. Texas,  
C.A. No. 1:01-872)

*Trecina G. Washington v. American Home Products, Inc., et al.*, C.A. No. 2:01-1706  
(E.D. Texas, C.A. No. 9:01-157)

*Richard L. Powers v. Whitehall-Robins, et al.*, C.A. No. 2:02-1544 (E.D. Wisconsin,  
C.A. No. 2:02-227)

*Terry L. Boak v. Bayer Corp.*, C.A. No. 2:02-553 (W.D. Wisconsin, C.A. No. 3:02-66)

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IN RE PHENYLPROPANOLAMINE (PPA) PRODUCTS LIABILITY LITIGATION

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**UNITED STATES OF AMERICA  
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

**CHAIRMAN:**  
Judge Wm. Terrell Hodges  
United States District Court  
Middle District of Florida

**MEMBERS:**  
Judge John F. Keenan  
United States District Court  
Southern District of New York

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United States District Court  
Northern District of California

Judge J. Frederick Motz  
United States District Court  
District of Maryland

Judge Robert L. Miller, Jr.  
United States District Court  
Northern District of Indiana

Judge Kathryn H. Vratil  
United States District Court  
District of Kansas

Judge David R. Hansen  
United States Court of Appeals  
Ninth Circuit

**DIRECT REPLY TO:**

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December 15, 2004

DEC 23 2004

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
BY WESTERN DISTRICT OF WASHINGTON  
IN P.A.

Bruce Rifkin, Clerk  
United States Courthouse  
700 Stewart Street  
Seattle, WA 98101

Re: MDL-1407 -- In re Phenylpropanolamine (PPA) Products Liability Litigation

(See Attached Order)

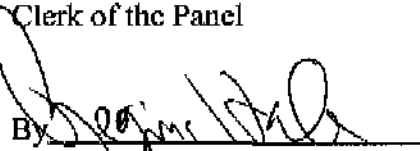
Dear Mr. Rifkin:

A conditional remand order was filed in the above-captioned actions on September 28, 2004. Prior to the expiration of that order's fifteen-day stay, and, pursuant to Rule 7.4(c) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435 (2001), oppositions to the proposed remand were filed and the conditional remand order was stayed until further order of the Panel. The oppositions has now been withdrawn and I am therefore enclosing a certified copy of today's order lifting the stay of the conditional remand order and remanding the actions pursuant to 28 U.S.C. § 1407.

Pursuant to Rule 7.6(g), the parties are to furnish you with a stipulation or designation of the content of the records to be remanded and all necessary copies of any pleadings or other matter filed to enable you to comply with the remand order.

Very truly,

Michael J. Beck  
Clerk of the Panel

By   
Regina Hale  
Calendar Clerk

Enclosures

cc: Transferee Judge: Judge Barbara Jacobs Rothstein  
Transferor Clerks: (See Attached List)

JPML Form 69